

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Bernard McFadden, Octavius Wilfork, Christopher Powers,)
 Kevin B. Schwartz, Raymond Day, Gerald Smith, Desmond)
 Metcalf, Arthur Taylor, Jacory Foster, Travis Ginyard,)
 Dangelo Jackson, James Kinlock, Kareem Hollis,)
 Maurice Jeffcoat, Marcus Woods, Robert Jones, James)
 Perkins, Thomas L. Wyatt, Jr., Chris Thornton, Robert)
 Brown, Tookie Brown, Terrance Harley, Angel Pecheco,)
 Jasper Bryant, Leslie C. Hunt, Jr., Donald Swinton, Robert)
 Smith, Stanley Williams, Walter Varner, Santiago Daniel,)
 Fabian Rodriguez, Terry Moore, Richard Maroney, Junior)
 Ardon, Jose Molina, James B. Weersing, Franklin Loftis,)
 Willie J. Haskett, Joseph Hayes, Eugene Chandler, Curtis)
 Lemon, Demetrius A. Hawkins, Christopher Shippy,)
 Rodney Earle, Michael Childs, Jotham Kimani, Alejandro)
 Perez, Reginald Sampson, Brian K. White, Willie Colvin,)
 James Nichols, Dustin Horwoth, Eric Laney, Justin Barton,)
 Christopher Lee Davis, Nathaniel Frazier, Jr., Sean Pegg,)
 Kenneth Evans, Rusty Holland, Steven Gunter, Chris)
 Shirley, Chad Plumley, Bruce Williams, Shantone Curry,)
 Chris Kembe, Maurice Smith, Shamel Williams, Jamar)
 Harvey, Jack Wallace, Perry Scott, W. Tyler, Chris)
 Knowlin, Normal Olsen, Joseph Hale, Tim Calvert, Kenneth)
 Ross, Geno Thomas, Aceilo McMorris, Jess Steadman,)
 Zonia M. Jefferson, Richard Hilley, Dexter Tucker, James)
 Drakeford, Mark Kissick, Angelo Ladson, Marvin Garrett,)
 Ajaron Gamble, Johnny M. Vanover, Brian K. Berry,)
 Damon L. Scott, Raymond Austin,)

Plaintiffs,)

v.)

Marcia Fuller, SCDC Dietician; John and Jane Does,)
 Kershaw Cafeteria Supervisors; Michael L. Fair, Legislative)
 Audit Counsel, Boyd H. Parr, Director of Poultry Products)
 And Inspection,)

Defendants.)

Civil Action
No. 5:13-cv-02290-JMC

ORDER

This matter is now before the court upon Plaintiff James B. Weersing's ("Plaintiff") motion for reconsideration (ECF No. 45), requesting that the court reconsider its order which, among other findings, severed this action into ninety-one individual 42 U.S.C. § 1983 cases (ECF No. 30). A court may alter or amend a judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure if the movant shows either (1) an intervening change in the controlling law; (2) new evidence that was not available at trial; or (3) that there has been a clear error of law or a manifest injustice. *Robinson v. Wix Filtration Corp.*, 599 F.3d 403, 407 (4th Cir. 2010).

Upon review of Plaintiff's motion, the court finds that Plaintiff disagrees with the court's denial of Plaintiff's motion to have his motion to retain co-plaintiffs (ECF No. 28) construed as a verified complaint and affidavit. (ECF No. 45 at 1–2.) Plaintiff also disagrees with the court's denial of permissive joinder, (*id.* at 3), the court's conclusion that exhaustion of administrative remedies is required, (*id.*), the court's decision to not allow the prisoners in this action to proceed as a class with a *pro se* representative, (*see id.* at 5–6; ECF No. 30 at 8), and the court's denial of the appointment of counsel, (ECF No. 45 at 5–8).

While the court has considered Plaintiff's contentions, the court finds Plaintiff has failed to set forth any intervening change in the law or new evidence that would alter the court's decision. The court is also satisfied that no clear error of law or manifest injustice has resulted from its November 22, 2013 order (ECF No. 30).

Therefore, the court **DENIES** Plaintiff's motion for reconsideration (ECF No. 45).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

July 15, 2014
Columbia, South Carolina